

Mamta Ahluwalia (Bar No. 245992)
HKM Employment Attorneys LLP
453 S. Spring Street, Suite 1008
Los Angeles, California 90013
Tel/Fax: 213.259.9950
Email: mahluwalia@hkm.com

Barbara E. Figari (Bar No. 251942)
THE FIGARI LAW FIRM
9431 Haven Avenue, Suite 100
Rancho Cucamonga, CA 91730
Telephone: 626.486.2620
Facsimile: 877.459.3540
Email: barbara@figarilaw.com

Dan Kalish (admitted *pro hac vice*)
HKM Employment Attorneys LLP
600 Stewart St., Suite 901
Seattle, Washington 98101
Tel/Fax: (206) 826-5354
Email: dkalish@hkm.com

Attorneys for Plaintiff
Alice Vysata

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALICE VYSATA,

Plaintiff and Counterdefendant,

v.

MARC MENOWITZ, ET AL.,

Defendants & Counterclaimants.

CASE NO.: 18-cv-06157-JAK-RAO

DISCOVERY MATTER

Magistrate Judge Rozella A. Oliver

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION TO QUASH
SUBPOENAS FOR PLAINTIFF'S
EMPLOYMENT RECORDS**

Hearing Date: May 8, 2019
Hearing Time.: 10:00 a.m.

Discovery Cutoff: June 17, 2019
Pretrial Conf.: TBD
Trial Date: TBD

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD: PLEASE TAKE NOTICE that on May 8, 2019, at 10:00 a.m. in the Roybal Federal Building and United States Courthouse, 255 E. Temple Street, Los Angeles, CA 90012, Courtroom 590, 5th Floor, Plaintiff Alice Vysata will and hereby does move this Court for an Order Quashing Subpoenas issued by Defendants Apartment Rental Assistance II, Inc. and Marc Menowitz to non-parties (1) KLC San Diego Enterprises, Inc.; (2) AgencyOne, Inc.; and (3) JWilliams Staffing, Inc. The motion is brought on the grounds that Defendants failed to give notice to the consumer; the subpoenas seek documents protected by the right to privacy and Defendants have demonstrated no compelling need for the records; the subpoenas are overbroad and meant solely to harass Plaintiff and increase the cost of litigation. Plaintiff seeks costs and fees associated with bringing this motion.

In support of this motion, Vysata states as follows:

1. Defendants ARA and Menowitz provided notice to Plaintiff of the aforementioned three subpoenas for Plaintiff's employment records on Thursday, March 28, 2019. Declaration of Mamta Ahluwalia ¶ 2. The subpoenas require compliance on April 10, 2019.
2. The following day, on March 29, Plaintiff's counsel sent counsel for Defendants a letter objecting to the subpoena, stating the grounds for the objections, and requesting a meet and confer on the subpoenas in accordance with Local Rule 37-1. Decl. Ahluwalia ¶ 3.
3. Plaintiff's counsel also requested Defendants' counsel to move back the compliance date on the subpoenas so that the parties could comply with the procedures in Local Rule 37 regarding discovery motions in the event that the parties were not able to resolve the dispute. Decl. Ahluwalia ¶ 4.
4. Counsel for Defendants responded on April 2, and gave April 3, 4, or 5th as available dates. The parties met and conferred on April 5, 2019. Decl. Ahluwalia ¶ 5.
5. During the meet and confer, Defendants' counsel stated that the subpoenaed parties had produced records, which he had reviewed. Plaintiff's counsel asked Mr. Chase to delete

1 the records (which he apparently received prior to the date of compliance) and to not use
2 them for any purpose, unless and until a ruling from this court on Plaintiff's forthcoming
3 motion to quash. Defendants' counsel refused. Decl. Ahluwalia ¶ 6.

4 6. On April 9, 2019, Plaintiff's counsel sent Defendants' counsel a draft stipulation.
5 Decl. Ahluwalia ¶ 7.

6 7. The compliance date for the subpoenas is April 10. Defendants' counsel is unwilling
7 to agree to move the compliance date. Plaintiff must file a motion to quash prior to
8 the subpoena compliance date. Accordingly, Plaintiff files this notice of motion and
9 motion, with only Plaintiff's statement in the attached Stipulation.

10 8. Should Defendants' counsel agree to cooperate in the filing of a joint stipulation,
11 Plaintiff will file a supplemental stipulation reflecting the same.

12 This Motion is based upon the Stipulation filed concurrently herewith, as well as the
13 Declarations of Plaintiff's counsel and accompanying exhibits thereto. This motion is also based
14 upon any matters contained in any later filed supplemental memorandum of authorities by
15 Plaintiff, oral argument on this matter, as well as the pleadings and records on file with the
16 Court. Plaintiff seeks an Order Quashing Subpoenas to the non-parties listed above.

17 In accordance with L.R. 37, this motion follows a telephonic conference among counsel
18 held on April 5, 2019.

19
20 DATED: April 9, 2019 HKM EMPLOYMENT ATTORNEYS LLP
21 THE FIGARI LAW FIRM

22 By: /s/ Mamta Ahluwalia

23 Mamta Ahluwalia, Esq.

24 Dan Kalish

25 Barbara Figari, Esq.

26 *Attorneys for Plaintiff*
27